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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 ROBERT JOSEPH LUMPKIN,

9 Plaintiff,

10 v.

11 DEPUTY SALT, *et al.*,

12 Defendants.

Case No. C18-330-RSM-JPD

ORDER DENYING PLAINTIFF'S
MOTION FOR SANCTIONS

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14 This is a civil rights action brought under 42 U.S.C. § 1983. This matter comes before
15 the Court at the present time on plaintiff's motion for sanctions. Defendants have filed a
16 response opposing plaintiff's motion. The Court, having reviewed plaintiff's motion,
17 defendants' response thereto, and the balance of the record, hereby finds and ORDERS as
18 follows:

19 (1) Plaintiff's motion for sanctions (Dkt. 28) is DENIED. Plaintiff, by way of the
20 instant motion, seeks sanctions against defendants for their alleged failure to respond to his
21 discovery requests. In particular, plaintiff asserts that defendants failed to produce the video
22 surveillance footage of the incident at issue in this case, and that defendants failed to respond to
23 his interrogatories and his requests for admission. Plaintiff asks that defendants be directed to

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1 produce the requested discovery. He also requests sanctions for the alleged discovery violations,
2 though he fails to specify what type of sanctions he believes would be appropriate in this
3 instance. Defendants oppose plaintiff's motion on the grounds that at the time the motion was
4 filed they had either already served plaintiff with appropriate responses, such responses were not
5 yet due, or the material sought was the subject of a motion pending before the Court.

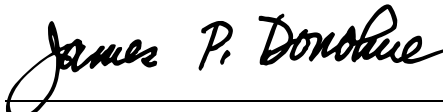
6 Pursuant to the Federal Rules of Civil Procedure, a party responding to interrogatories,
7 requests for production, or requests for admission, must respond within thirty days after being
8 served with the discovery request. *See* Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A) and 36(a)(3). The
9 record makes clear that defendants responded to plaintiff's interrogatories and requests for
10 admission within the time mandated by the rules. Specifically, the evidence in the record
11 demonstrates that defendants received plaintiff's interrogatories on July 9, 2018, and that they
12 mailed their responses to plaintiff on August 7, 2018. (*See* Dkt. 32, ¶¶ 2, 3 and Exs. A, B.) The
13 evidence also demonstrates that defendants received plaintiff's requests for admission on July
14 16, 2018, and that they mailed their responses to plaintiff on August 14, 2018. (*See* Dkt. 32, ¶ 8
15 and Exs. H, I.)

16 Production of the surveillance video was somewhat more complicated. Plaintiff
17 requested production of the surveillance video in his requests for production which were
18 received by defendants on May 23, 2018. (*Id.*, ¶ 4 and Ex. C.) Defendants objected to this
19 request in their initial responses to plaintiff's requests for production which were mailed to
20 plaintiff on June 8, 2018. (*See id.*, ¶ 5 and Ex. D.) Defendants' counsel subsequently called
21 plaintiff to confer with him regarding the video (*see* Dkt. 24, ¶¶ 7, 8), and thereafter filed a
22 motion for protective order. (Dkt. 23.)
23

1 After the Court granted defendants' motion and entered the protective order on August
2 22, 2018, defendants' counsel contacted the law librarian at the Clallam Bay Corrections Center
3 (CBCC) to coordinate a date for plaintiff to view the video. (*See* Dkt. 29; Dkt. 32, ¶ 6.) Counsel
4 received a return call from the law librarian on August 27, 2018, and a copy of the video was
5 mailed to CBCC the same day. (Dkt. 32, ¶ 6.) Unfortunately, because of some technical issues,
6 there was a delay in plaintiff being able to watch the video. (*See* Dkts. 33, 34, 36, 37, 38.)
7 However, defendants' counsel worked diligently with CBCC staff to resolve the technical issues,
8 and it appears that plaintiff has since had an opportunity to review the video. (*See id.*) As the
9 record makes clear that defendants fully complied with their discovery obligations and did so in
10 a timely fashion, to the extent it was within their power to do so, plaintiff's motion for sanctions
11 is denied.

12 (2) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
13 defendants, and to the Honorable Ricardo S. Martinez.

14 DATED this 24th day of October, 2018.

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16 JAMES P. DONOHUE
17 United States Magistrate Judge
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